

### Amendments to the Claims

1-6. (Canceled)

7. (Currently amended) A surgical device for attaching a retainer to a suture for securing tissue in a patient's body, comprising:

a first member including a first compression element;  
a second member including a second compression element, the second member being in movable relation with the first member from a first position to a second position, wherein the first compression element and the second compression element are configured to receive the retainer there between, the second member including a tubular section including a proximal end and a distal end, the distal end having a gapped portion with the second compression element being integrated into the gapped portion, the second member further including an actuation member operably connected to the proximal end of the tubular section, wherein the actuation member operates to move the tubular section from the first position to the second position;

a suture tensioner including a suture bias member, positioned on the second member and configured to receive the suture, maintaining a substantially constant tension on the suture through the retainer during attachment of the retainer thereto; and  
an energy source operably connected to the first compression element for transmitting an energy to the retainer for attachment to the suture,

~~The surgical device according to claim 6, wherein the actuation member includes a retainer bias member biasing the tubular section into the first position.~~

8. (Previously Presented) The surgical device according to claim 7, wherein the retainer bias member imparts a compressive force of between about 1 lb. and 20 lbs. on the retainer interposed between the first and second compression elements.

9-10. (Canceled)

11. (Currently Amended) The surgical device according to claim [[1]] 7, wherein the second member is removably attachable to the first member.

12. (Currently Amended) The surgical device according to claim [[1]] 7, wherein the energy source is an external energy source.

13. (Currently Amended) The surgical device according to claim [[1]] 7, wherein the energy source is an internal energy source disposed within a handle portion of the first member.

14. (Original) The surgical device according to claim 13, wherein the internal energy source is a rechargeable battery.

15. (Currently Amended) The surgical device according to claim [[1]] 7, wherein the energy provided by the energy source is selected from the group consisting of radio frequency (RF) energy, laser energy, microwave energy, ultrasound energy, contact heating energy, and combinations thereof.

16. (Previously Presented) A surgical device for attaching a retainer to a suture for securing tissue in a patient's body, comprising:

a first member including a first compression element;

a second member including a second compression element, the second member being in movable relation with the first member from a first position to a second position, wherein the first compression element and the second compression element are configured to receive the retainer there between;

a suture tensioner positioned on the second member and configured to receive the suture, maintaining a substantially constant tension on the suture during attachment of the retainer thereto; and

an energy source operably connected to the first compression element for transmitting an energy to the retainer for attachment to the suture,

wherein the energy provided by the energy source is selected from the group consisting of radio frequency (RF) energy, laser energy, microwave energy, ultrasound energy, contact heating energy, and combinations thereof and

wherein the first member is configured to transmit at least two different types of energy from the energy source to the first compressive element.

17-22. (Canceled)

23. (Currently Amended) A surgical device for attaching a retainer to a suture for securing tissue in a patient's body, comprising:

a handle assembly;

a controller assembly operatively connected to the handle assembly and configured to receive a suture retainer therein, wherein a portion of the controller assembly is movable from a first position to a second position relative to a portion of the handle assembly;

a suture tensioner including a suture bias member, positioned on the controller assembly and configured to receive the suture, maintaining a substantially constant tension on the suture through the retainer during attachment of the retainer thereto; and

an energy source operably connected to the handle assembly for transmitting an energy to the retainer for attachment to the suture,

wherein the handle assembly includes a handle portion and an end effector operably connected thereto, the end effector having a tip portion for transmitting the energy to the retainer,

wherein the controller assembly includes a controller and a tubular section having an end portion configured for receiving the retainer therein, wherein the retainer is positionable between the tip portion of the end effector and the end portion of the tubular section,

The surgical device according to claim 19, wherein the controller includes comprises a latch assembly for removable attaching of the controller to the handle.

24. (Previously Presented) The surgical device according to claim 23, wherein the controller comprises a tension lever, including a retainer bias member, in operative engagement with the tubular section, wherein actuation of the tension lever moves the tubular section from the first position to the second position.

25. (Previously Presented) The surgical device according to claim 24, wherein the retainer bias member biases the tubular section into the first position.

26. (Previously Presented) The surgical device according to claim 25, wherein the retainer bias member imparts a compressive force of between about 1 lb. and 20 lbs. on the retainer.

27-29. (Canceled)

30. (Currently Amended) The surgical device according to claim [[17]] 23, wherein the energy source is an external energy source.

31. (Currently Amended) The surgical device according to claim [[17]] 23, wherein the energy source is an internal energy source disposed within a handle portion of the first member.

32. (Original) The surgical device according to claim 31, wherein the internal energy source is a rechargeable battery.

33. (Currently Amended) The surgical device according to claim [[17]] 23, wherein the energy provided by the energy source is selected from the group consisting of radio frequency (RF) energy, laser energy, microwave energy, ultrasound energy, contact heating energy, and combinations thereof.

34. (Currently Amended) A surgical device for attaching a retainer to a suture for securing tissue in a patient's body, comprising:

a handle assembly;

a controller assembly operatively connected to the handle assembly and configured to receive a suture retainer therein, wherein a portion of the controller assembly is movable from a first position to a second position relative to a portion of the handle assembly;

a suture tensioner including a suture bias member, positioned on the controller assembly and configured to receive the suture, maintaining a substantially constant tension on the suture through the retainer during attachment of the retainer thereto; and

an energy source operably connected to the handle assembly for transmitting an energy to the retainer for attachment to the suture,

wherein the energy provided by the energy source is selected from the group consisting of radio frequency (RF) energy, laser energy, microwave energy, ultrasound energy, contact heating energy, and combinations thereof,

~~The surgical device according to claim 33, wherein the first member is configured to transmit at least two different types of energy from the energy source to the first compressive element.~~

35. (Canceled)

36. (Previously Presented) A surgical device for attaching a retainer to a suture for securing tissue in a patient's body, comprising:

a first member including a first compression element;

a second member including a second compression element, a tubular section having a proximal end and a distal end having a gapped portion with the second compression element being integrated into the gapped portion, and an actuation member operably connected to the proximal end of the tubular section including a bias member;

a suture tensioner positioned on the second member and configured to receive the suture,

maintaining a substantially constant tension on the suture during attachment of the retainer thereto; and

an energy source operably connected to the first compression element for transmitting an energy to the retainer for attachment to the suture;

wherein

the first compression element and the second compression element are configured to receive the retainer there between,

the second member is in movable relation with the first member from a first position to a second position,

the actuation member operates to move the tubular section from the first position to the second position, and

the bias member biases the tubular section into the first position.